

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

CHAD ERIC BJORK,

Plaintiff,

vs.

TOM BOLTON (MSP TRAINING),
SAM JOVANOVIICH (A UNIT
MANAGER), PAUL REES, HAROLD
STREY,

Defendants.

CV 18–107–H–DLC

ORDER

On February 28, 2022, this Court issued an order granting Plaintiff Chad Eric Bjork a 45-day extension of time in which to attempt to retain new counsel and ordering each party to file a status report proposing revised deadlines for a new scheduling order on or before April 14, 2022. (Doc. 128.) The order warned in bolded type: **Failure to timely file a status report will be grounds for dismissal for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure.** (*Id.* at 2.) This warning followed the Court’s prior warning in its show cause order, dated January 26, 2022, that it was considering dismissal for failure to prosecute after Mr. Bjork could not be reached by Defendants’ counsel in connection with preparing a court-ordered joint status report. (Doc. 126.)

Defendants timely filed a status report, in which they stated they would file a motion to dismiss for failure to prosecute if Mr. Bjork did not timely file a status report. Mr. Bjork did not timely file a status report, and neither Defendants nor Mr. Bjork have filed anything with the Court in the two months after the deadline elapsed. The Court therefore must exercise its own discretion “to clear [its] calendar[] of cases that have remained dormant because of the inaction or dilatoriness of the parties seeking relief.” *Link v. Wabash R. Co.*, 370 U.S. 626, 630 (1962).

Accordingly, IT IS ORDERED that the above-captioned case is DISMISSED WITH PREJUDICE for failure to prosecute.

The Clerk of Court shall enter a judgment of dismissal by separate document and close the case file.

The Clerk of Court is directed to serve a copy of this Order on Mr. Bjork by mail at his address of record.

DATED this 22nd day of June, 2022.



Dana L. Christensen, District Judge
United States District Court